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FILED

MAR 15 2007

6 RICHARD W. WIEKING  
7 CLERK, U.S. DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE

10 IN THE UNITED STATES DISTRICT COURT  
11  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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15 UNITED STATES OF AMERICA, ) No. CR-07-70081 PVT  
16 Plaintiff, ) STIPULATION, WAIVER AND  
17 vs. ) [PROPOSED] ORDER CONTINUING  
18 JOKAELLE PORTER, ) PRELIMINARY HEARING AND  
19 Defendant. ) EXCLUDING TIME FOR INDICTMENT  
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26 STIPULATION AND WAIVER

17 The parties hereby stipulate and agree that the date of March 15, 2007 currently set for  
18 preliminary hearing and/or arraignment may be continued for three weeks to April 5, 2007, at  
19 9:30 a.m. Mr. Porter, by his signature below, further consents to extend by two weeks the time  
20 for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure. The purpose  
21 of the requested continuance is to permit the defense to continue its investigation into the  
22 circumstances of the alleged offense and to facilitate the parties' efforts to reach a pre-indictment  
23 resolution. The parties further agree that the intervening three weeks may be excluded from the  
24 time within which an indictment shall be filed, as the reasonable time necessary for effective  
25 defense preparation under 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

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1 Dated: March 12, 2007

2 s/  
3 CYNTHIA C. LIE  
Assistant Federal Public Defender

4 Dated: March 12, 2007

5 s/  
6 JOKAELLE PORTER  
Defendant

7 Dated: March 13, 2007

8 s/  
9 THOMAS M. O'CONNELL  
Assistant United States Attorney

10 [PROPOSED] ORDER

11 Good cause appearing and by stipulation of the parties, it is hereby ordered that the date  
12 set for preliminary hearing and/or arraignment in the above-captioned matter shall be continued  
13 from Thursday, March 15, 2007 to Thursday, April 5, 2007 at 9:30 a.m.

14 It is further ordered that 21 days shall be excluded from the time within which an  
15 indictment shall be filed under the Speedy Trial Act, as the reasonable time necessary for  
16 effective preparation of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

17  
18 Dated: March 15, 2007

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20 PATRICIA V. TRUMBULL  
United States Magistrate Judge

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